

**United States District Court for the
Eastern District of North Carolina
Southern Division**

Jennifer Shively,
Plaintiff,

vs.

Commissioner of Social Security,
Defendant.

Civil Action No. **7:24-cv-00419-FL**

Order

THIS MATTER IS BEFORE THE COURT on the Plaintiff's Consent Motion for Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A) filed on December 13, 2024. Having reviewed the motion, supporting materials, memorandum in support, and the case file, the Court determines that Plaintiff should be awarded an attorney's fee under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in the amount of \$3,000.00.

IT IS ORDERED that the Plaintiff's Motion for Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A) filed is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$3,000.00, and that under *Comm'r of Soc. Sec. v. Ratliff*, 560 U.S. ___, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that Plaintiff does not owe a federal debt, in that case, the

government will exercise its discretion and honor an assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED, this 8th day of January, 20 25

A handwritten signature in black ink, appearing to read "Louise W. Flanagan", is written above a horizontal line.

Louise W. Flanagan
United States District Judge